

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-against-

ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,

Defendants,

-and-

DEEPROOT TECH LLC, DEEPROOT
PINBALL LLC, DEEPROOT STUDIOS LLC,
DEEPROOT SPORTS & ENTERTAINMENT
LLC, DEEPROOT RE 12621 SILICON DR LLC,
AND ROBERT J. MUELLER, JEFFREY L.
MUELLER, AND BELINDA G. BREEN, AS CO-
TRUSTEES OF THE MB HALE OHANA
REVOCABLE TRUST,

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

**THIRD UNOPPOSED MOTION TO EXTEND DEADLINE FOR DEFENDANTS AND
RELIEF DEFENDANTS TO FILE ANSWER OR OTHER RESPONSIVE PLEADING**

TO THE HONORABLE COURT:

Defendant Robert J. Mueller (“**Mueller**”) files this Third Unopposed Motion to Extend the Deadline for All Defendants and Relief Defendants to File an Answer or Other Responsive Pleading, as follows:

1. On August 20, 2021, Plaintiff Securities and Exchange Commission (the “**SEC**”) filed its Complaint (ECF No. 1).

2. The Complaint named Mueller, Deeproot Funds LLC (a/k/a dprt Funds, LLC), and Policy Services, Inc. as Defendants. It named Deeproot Tech LLC, Deeproot Pinball LLC, Deeproot Studios LLC, Deeproot Sports & Entertainment LLC, Deeproot Re 12621 Silicon Dr LLC, and Robert J. Mueller, Jeffrey L. Mueller, and Belinda G. Breen, solely in their capacities as Co-Trustees of the MB Hale Ohana Revocable Trust, as Relief Defendants. Mueller is the sole owner of each of the entities named as a Defendant or Relief Defendant.

3. On October 13, 2021, the Court granted Mueller's first Unopposed Motion to Extend the Deadline for All Defendants and Relief Defendants to File an Answer or Other Responsive Pleading (ECF No. 17), which extended the deadline for all Defendants and Relief Defendants to file an answer or other responsive pleading to November 19, 2021.

4. On October 29, 2021, the Court granted (ECF No. 21) the parties' Joint Motion to Amend Order on Preliminary Injunction and Asset Free Regarding Pre-Petition Fees and Expenses (ECF No. 20), which authorized the use of certain funds to preserve certain assets and to facilitate the efficient administration of a bankruptcy filing for the Entity Defendants and Relief Defendants.

5. On November 15, 2021, the Court granted Mueller's Second Unopposed Motion to Extend the Deadline for All Defendants and Relief Defendants to File an Answer or Other Responsive Pleading (ECF No. 24), which extended the deadline for all Defendants and Relief Defendants to file an answer or other responsive pleading to December 20, 2021.

6. On December 9, 2021, Defendant deeproot Funds, LLC, Defendant Policy Services, Inc., Relief Defendant deeproot Tech, LLC, Relief Defendant deeproot Pinball, LLC, and Relief Defendant deeproot Studios, LLC filed Chapter 7 petitions in the U.S. Bankruptcy Court for the Western District of Texas.

7. In recent weeks, counsel for Mueller and counsel for the SEC have engaged in discussions regarding a potential resolution of this dispute. The parties request additional time to continue those discussions before the filing of an Answer, other responsive motion, and/or motion to stay this action pending resolution of the criminal case against Mueller.

8. The undersigned counsel has conferred with the Interim Bankruptcy Trustees responsible for the above-referenced Defendants and Relief Defendants and counsel for Jeffrey L. Mueller and Belinda G. Breen, co-trustees of Relief Defendant MB Hale Ohana Revocable Trust, who are not opposed to the relief sought in this motion.

9. The undersigned counsel for Mueller has also conferred with counsel for the SEC, who stated that the SEC does not oppose an extension of the time for Defendants and Relief Defendants to file an answer or other responsive pleading to Monday, **January 24, 2022**.

Mueller therefore respectfully requests that the Court enter an order granting the agreed extension and extending Defendants' and Relief Defendants' deadline to file an answer or other responsive pleading to the Complaint through and until January 24, 2022.

Dated: December 16, 2021

Respectfully submitted,

DAVIS & SANTOS, P.C.

By: /s/ Jay Hulings
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Counsel for Defendant Robert Mueller

CERTIFICATE OF CONFERENCE

I hereby certify that the undersigned counsel for Mueller conferred with counsel for the SEC, counsel for Jeffrey L. Mueller and Belinda G. Breen, and the Interim Bankruptcy Trustee, who indicated that they did not oppose an extension of the time for Defendants and Relief Defendants to file an answer or other pleadings in response to the Complaint to January 24, 2022.

/s/ Jay Hulings
H. Jay Hulings

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2021, the foregoing document was served on counsel of record via the Court's ECF system.

/s/ Jay Hulings
H. Jay Hulings